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10/077,641	02/15/2002	Kevin M. Messina	INTCHK C1	6186

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EXAMINER

HAYES, JOHN W

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/077,641

Applicant(s)

MESSINA, KEVIN M.

Examiner

John W Hayes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 and 42-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per **Claim 1**, the language "that is not provided by said first entity" is not clear to the examiner. It is not clear whether the "document" is not provided by the first entity or whether the "information read from said document" is not provided by the first entity. In other words, it is not clear to the examiner what "is not provided by said first entity" and therefore, the claim is deemed to be indefinite. For purposes of the prior art rejection below, examiner interprets the claim language to mean that the information read from the document is not provided by the first entity.

As per **Claims 42-43**, the claim recites the limitation "other information" in line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1, 18, 35 and 40-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Leighton et al, U.S. Patent No. 4,995,081.

As per **Claims 1, 18 and 35**, Leighton et al disclose an apparatus for examining a document having identification information associated with a first entity (Col. 2, lines 20-34) comprising:

- a computing device having a memory (Figure 6);
- a computer program, for execution in the computing device, for determining a second entity associated with said document in response to information read from said document that is not provided by said first entity (Col. 7, lines 32-40; Col. 7, lines 9-15);
- a computer program, for execution in the computing device, for determining a data format for said identification information in response to information read from said document that is not provided by said first entity (Col. 7, lines 32-40; Col. 3, lines 33-47; Col. 7, lines 4-31).

As per **Claim 40**, Leighton et al disclose an apparatus for examining identification documents associated with first entities comprising:

- a processor (Figure 6; Col. 7, lines 32-50);
- a database including at least one issuer identifier corresponding to at least one method for retrieving identification information from information read from a document (Col. 7, lines 4-24);
- a computer program (Col. 7, lines 32-40) for
- examining each of said documents to determine an issuer identifier (Col. 7, lines 4-24);
- retrieving identification information from each of the documents using at least one method corresponding to the determined issuer identifier (Col. 7, lines 15-24).

As per **Claims 41-46**, Leighton et al disclose an apparatus for examining identification documents associated with first entities comprising:

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- a processor (Figure 6; Col. 7, lines 32-50);
- a computer program (Col. 7, lines 32-40) for
- examining each of said documents to examine issuer information provided by one of a plurality of issuers (Col. 7, lines 4-24);

and use the examined issuer information to retrieve a predetermined part of the identification information (Col. 6, lines 32-40), and provide an output in response to the retrieved information (Col. 6, lines 40-45).

5. Claims 48-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Kristol et al, U.S. Patent No. 5,668,874.

As per **Claims 48-50**, Kristol et al disclose an apparatus for examining a document associated with an individual and having a graphic corresponding to the individual (Col. 2, lines 21-30) along with other machine readable or human recognizable information about the individual (Col. 2, lines 20-30; Col. 4, lines 59-67) comprising:

- a first apparatus portion for examining the graphic and other information and providing one of a plurality of different results (Col. 2, lines 54-64; Col. 3, lines 1-5 and 13-15; Col. 5, lines 47-63);
- a second apparatus portion responsive to the examination for providing an output indicative of the different results (Col. 5, lines 47-63).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 2-17, 19-28, 36-37 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leighton et al, U.S. Patent No. 4,995,081 in view of "Best Practices Recommendations For The Use Of Magnetic Stripes, American Association of Motor Vehicle Administrators, Version 2.0, April 1996, hereinafter referred to as AAMVA.

As per Claims 2 and 22, Leighton et al further disclose separate data elements stored on the user's ID card such as user's age, address, nationality, security clearance, employer, bank account balance, eye color, height, weight, mother's maiden name or any other such information which is encoded in a password (Col. 3, lines 61-68). Although Leighton et al fail to explicitly disclose dividing this information into fields in response to reading the document, examiner submits that this would have been obvious to one having ordinary skill in the art at the time of applicant's invention. AAMVA discloses that storing fields of information on a magnetic stripe on a card using different tracks was known (See AAMVA, pages 8-12), and examiner further submits that dividing the information stored on a magnetic stripe card into separate fields was also known in the art at the time of applicant's invention. This function was typically carried out to perform functions such as determining a user's account number or determining the card issuer for purposes of carrying out a transaction such as that taught by Leighton et al; or verifying that a user entered PIN matches the PIN stored on the card or other various functions. Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Leighton et al, store information in separate fields as taught by AAMVA and include the ability to divide the information stored on the card into separate fields in order to carry out certain functions using this stored information.

As per Claims 3-9 and 19-21, Leighton et al further disclose retrieving user identification information from data read from the document (Col. 3, lines 62-68; Col. 6, lines 32-45) and further that the document may be in the form of a driver's license (Col. 2, lines 40-45), however, fail to explicitly disclose that the information retrieved is an ANSI user ID, issuer identification number or jurisdictional identifier. AAMVA discloses the use of driver's licenses and the data that may be stored on the magnetic stripe of a

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driver's license for use in identifying the holder of the card (page 2). AAMVA discloses that the magnetic stripe may store information such as an ANSI user ID on track 2 (Pages 9-10), issuer identification number (pages 9-10 and annex D), and jurisdictional identifier (pages 9-10). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Leighton et al and include retrieving any information that may be stored on a driver's license as taught by AAMVA in order to identify the driver or the particular jurisdiction that the license was issued in. Leighton et al further provides motivation by indicating that the personal identification card can be used in any situation requiring user identification (Col. 6, lines 45-50).

As per Claims 10-11, 23 and 27, Leighton et al further disclose a magnetic reader for reading information from the document (Col. 3, lines 35-37; Col. 7, lines 45-50).

As per Claims 12-13, 24 and 28, Leighton et al further disclose an output device such as a display screen for outputting information corresponding to at least one of the fields (Col. 6, lines 40-50).

As per Claims 14-16 and 25-26, Leighton et al further disclose a communication link to a remote device such as a computer using a modem (Col. 7, lines 50-60). Leighton et al fails to explicitly disclose the use of a wireless communications link, however, examiner takes Official Notice that using wireless communications links to transmit information to a remote device was well known in the art at the time of applicant's invention and it would have been obvious to use such links since they were commonly available.

As per Claim 17, Leighton et al further disclose:

- a communication link to a remote device (Figure 6; Col. 7, lines 50-60);
- a program for uploading at least one of the fields to the remote device (Col. 7 line 50-Col. 8, lines 6)

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As per **Claim 36**, Leighton et al further disclose:

- a reader such as a magnetic stripe reader to read information from the document (Col. 3, lines 35-37; Col. 7, lines 45-50);
- a user interface including a input device having a keyboard and an output device such as a display screen (Col. 7, lines 32-49);
- a communication link for connecting to a remote device (Figure 6; Col. 7, lines 50-60);

Leighton et al further disclose separate data elements stored on the user's ID card such as user's age, address, nationality, security clearance, employer, bank account balance, eye color, height, weight, mother's maiden name or any other such information which is encoded in a password (Col. 3, lines 61-68) and communicating this information to the user interface (Col. 6, lines 33-51) or communicated to a communications link (Col. 7 line 50-Col. 8 line 6). Although Leighton et al fail to explicitly disclose dividing this information into fields in response to reading the document, examiner submits that this would have been obvious to one having ordinary skill in the art at the time of applicant's invention. AAMVA discloses that storing fields of information on a magnetic stripe on a card using different tracks was known (See AAMVA, pages 8-12), and examiner further submits that dividing the information stored on a magnetic stripe card into separate fields was also known in the art at the time of applicant's invention. This function was typically carried out to perform functions such as determining a user's account number or determining the card issuer for purposes of carrying out a transaction such as that taught by Leighton et al; or verifying that a user entered PIN matches the PIN stored on the card or other various functions. Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Leighton et al, store information in separate fields as taught by AAMVA and include the ability to divide the information stored on the card into separate fields in order to carry out certain functions using this stored information.

As per **Claim 37**, Leighton et al further disclose wherein the first entity is an individual (Col. 6, lines 33-45) and wherein at least one of the fields includes a mailing address or other information (Col. 3, lines 62-68).



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As per Claim 39, Leighton et al disclose an apparatus for examining identification documents comprising:

- a processor (Figure 6; Col. 7, lines 32-50);
- a computer program (Col. 7, lines 32-40) for causing the apparatus to:
  1. in a first instance, retrieve identification information in response to information read from a first document issued by a first entity (Col. 3, lines 33-47; Col. 4, lines 25-34; Col. 7, lines 4-31);
  2. in a second instance, retrieve identification information in response to information read from a second document issued by a second entity (Col. 7, lines 4-31).

Leighton et al, however, fails to specifically disclose wherein the identification information on the first document is formatted differently than the identification information on the second document. AAMVA discloses the use of driver's licenses and the data that may be stored on the magnetic stripe of a driver's license for use in identifying the holder of the card (page 2). AAMVA discloses that the magnetic stripe may store information such as identification information and that this identification information may be encoded using different formats depending on the issuing state (pages 18-19). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Leighton et al and include retrieving any information that may be stored on a driver's license in different formats as taught by AAMVA in order to identify the driver or the particular jurisdiction that the license was issued in. Leighton et al further provides motivation by indicating that the personal identification card can be used in any situation requiring user identification (Col. 6, lines 45-50).

8. Claims 29-34 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leighton et al, U.S. Patent No. 4,995,081 and "Best Practices Recommendations For The Use Of Magnetic Stripes, American Association of Motor Vehicle Administrators, Version 2.0, April 1996, hereinafter referred to as AAMVA as applied above, and further in view of Sharrard, U.S. Patent No. 5,722,526.

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As per Claims 29-30, 32, 34 and 38, although it may have been obvious to one having ordinary skill in the art at the time of applicant's invention to compare the information stored in the magnetic stripe with a predetermined value such as that printed on the face of the card or a current date, Leighton et al and AAMVA fail to explicitly disclose this feature. Sharrard discloses a system for vending controlled products based on the age of the customer (Abstract) and further disclose reading birth date information from a magnetic stripe of a driver's license (Col. 2 line 60-Col. 3 line 2) and comparing this information with a predetermined value to determine if the user is of legal age (Col. 3 line 59-Col. 4 line 3). Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Leighton et al and compare age information stored on the card (Leighton et al, Col. 3, lines 65-68) with a predetermined value as taught by Sharrard in order to determine if the customer is of legal age to purchased age restricted products.

As per Claim 31, Leighton et al further fail to disclose wherein the comparing routine compares an expiration date field to a date, however, examiner takes Official Notice that this feature was well known in the art at the time of applicant's invention. Leighton et al teaches that the card is used to carry out purchase transactions, and it was well known that purchase transactions using cards typically included steps to ensure that the card has not expired by comparing the expiration date encoded on the card with the current date.

As per Claim 33, Leighton et al further disclose that the card may include data representing the users age and wherein the card may be an age verification card (Col. 3, lines 27-32 and 60-68), however, fail to output an age of the individual. Examiner submits that this step would have been obvious to one having ordinary skill in the art at the time of applicant's invention. The system of Leighton et al would certainly have the capability to output any information stored on the card such as age information so that the clerk or terminal operator may not only verify the identity of the user, but also determine the user's age for purposes of controlling purchases of age restricted products.

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9. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leighton et al, U.S. Patent No. 4,995,081 in view of Sharrard, U.S. Patent No. 5,722,526.

As per **Claim 47**, Leighton et al disclose an apparatus for examining a document associated with an individual, provided by any one of a plurality of issuers and having information about the age of the individual (Col. 3, lines 62-68) as well as issuer information associated with the document issuer (Col. 7, lines 5-17) comprising:

- a first apparatus portion for examining the issuer information to determine the document issuer (Col.7, lines 5-17)
- a second apparatus portion responsive to the determined issuer for retrieving a predetermined part of the identification information (Col. 6, lines 32-40) and providing an output in response (Col. 6, lines 40-45).

Leighton et al further discloses that the card can be an age verification card (Col. 3, lines 27-32), however, fail to explicitly disclose interpreting the age information. Sharrard discloses a system for vending controlled products based on the age of the customer (Abstract) and further disclose reading birth date information from a magnetic stripe of a driver's license (Col. 2 line 60-Col. 3 line 2) and comparing this information with a predetermined value to determine if the user is of legal age (Col. 3 line 59-Col. 4 line 3). Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Leighton et al and compare age information stored on the card (Leighton et al, Col. 3, lines 65-68) with a predetermined value as taught by Sharrard in order to determine if the customer is of legal age to purchased age restricted products.

### **Conclusion**

10. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in

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preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Takigami disclose a driver license check system with IC card and method
- Cueli discloses that the identity of the issuer of cards is frequently contained on credit cards
- Anderson et al disclose that the magnetic stripe of cards include information such as card format ID, standard issuer ID and consumer identification information
- Harms et al disclose a system for reading consumer demographic information from driver's licenses for use in marketing programs

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Hayes whose telephone number is (703)306-5447. The examiner can normally be reached Monday through Friday from 5:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Trammell, can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

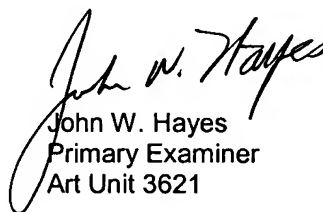
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or faxed to:

**(703) 872-9306** [Official communications; including  
After Final communications labeled  
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**(703) 746-5531** [Informal/Draft communications, labeled  
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington,  
VA, 7<sup>th</sup> floor receptionist.

  
John W. Hayes  
Primary Examiner  
Art Unit 3621

January 22, 2004